



PLANNING & DEVELOPMENT DEPARTMENT

Public Hearing Meeting Date: January 16, 2020

Item #: PZ2020-579 & PZ2020-580

CITY COUNCIL MEMO – 5450 PEACHTREE BLVD – REZONING and CONCURRENT VARIANCES

Project Name: Chick-fil-A
Applicant: Theresa Wilson, Chick-fil-A
Owner: Chad Baker, Chick-fil-A
Proposed Development: Reconstruction of Chick-fil-A restaurant with drive-through
Request: Rezoning from VC to CC; two variances
Site Address: 5450 Peachtree Blvd
Parcel Number: 18 308 05 038
Staff Recommendation: **DENIAL**



Current Zoning: Village Commercial (VC) - This zoning district is intended primarily for mixed-use development and related uses at a higher density. This district provides a

location for residences, retail, goods, services and offices to satisfy the common and frequent needs of the city's commercial core and greater Chamblee area. Design standards and design parameters encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians.

Current Use: Chick-fil-A Restaurant with drive-through

Surrounding Land Uses: North and West – VC: Commercial Businesses
South and East – PUD: Commercial Businesses

Future Development Map:

The property is in the Central Gateway character area of the Future Development Map in the Comprehensive Plan. The vision of the character area is, “As visitors pass through Chamblee along Peachtree Boulevard, they will have a clear sense of arrival at a unique and inviting destination that they will identify with the greater Chamblee community. This will be an area that draws attention to the City Center, and yet also serves the local service needs of the surrounding neighborhoods.”

Site Description:

The property is located on a .93-acre lot within the Peachtree Plaza shopping center parking lot on Peachtree Blvd. The property is currently occupied by a Chick-fil-A restaurant and drive-through that was built in 1987. The site directly abuts the only signalized access point to the shopping center from Peachtree Blvd. The subject site is currently designed for one-way traffic that wraps around the building as you enter from a driveway located on the Chamblee Plaza parcel behind the right-of-way. There are 22 angled parking spaces provided on either side of the building. The entrance into the drive-through is located from the driveway to the southwest of the traffic light as you enter the shopping center. Automobiles exit the drive-through on the opposite side of the building back onto the driveway.

There is a single pedestrian crossing from the parking lot to the east side of the building. The site slopes significantly from the site down toward Peachtree Blvd. The parcel does not have any direct frontage on Peachtree Blvd. There is currently a four-foot-wide sidewalk near the driving lane of Peachtree Blvd, and multiple mature Magnolia trees. There is also a MARTA bus stop and shelter along the frontage. The owner of the Chamblee Plaza property has applied for a Land Disturbance Permit to construct a new sidewalk and install pedestrian street lights along the frontage of Peachtree Blvd and Ivy Lane.

Proposed Project:

The applicant proposes the following:

- Demolition of the existing 3,831 square foot restaurant with drive-through;
- Construction of an approximate 4,700 square foot restaurant with drive-through;

- The building will be constructed with the front abutting the right-of-way of Peachtree Blvd, a double drive-through located to the rear of the building;
- Patio with outdoor seating for approximately 46 people provided in the front of the building;
- 47 perpendicular parking spaces provided in the two-way surface lot behind the drive-through;
- Installation of parking lot required landscaping;
- Two brick paver crosswalks provided from the parking lot to the entrances on either side of the building;
- Three wall signs proposed on the front and sides of the building that face Peachtree Blvd, Longview Dr, and Ivy Ln.

As the site is being completely redeveloped, the project exceeds the 70% redevelopment threshold, and must be brought into compliance with the UDO or receive variances.

Applicable UDO Standards:

	Required	Proposed
Wall Signs - Single Occupant Building	2 facades maximum	3 facades maximum

Applicant’s Zoning Map Amendment Request

Staff Analysis:

While the rezoning of the property to CC would be generally consistent with the Future Development Map of the Comprehensive Plan, the expansion of an automotive use on the corridor conflicts with other recommendations in the plan. The character area the property is located in is the Central Gateway, which envisions an area, “that draws attention to the City Center, and yet also serves the local service needs of the surrounding neighborhoods.”

This analysis is based on an assessment of the 12 zoning proposal review standards established in Section 280-17(b) of the City of Chamblee Zoning Ordinance. The Mayor and City Council shall consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning decision pursuant to the ordinance:

1. The existing uses and zoning of nearby property.

The properties to the north and west of the site are zoned VC. The properties to the south and east are zoned Town Center PUD. Commercial businesses comprise the majority of uses in the VC zoned district. Commercial, civic, and residential uses are within the Town Center PUD zoning district.

2. The extent to which property values are diminished by the particular zoning restrictions.

The property values would not be diminished by the rezoning of the site from VC to CC. The rezoning would allow for a drive-through establishment in the CC zoning district. Both VC and CC are intended for mixed-use development, but at different densities. Allowing the property to be rezoned CC would continue the use of a Chick-fil-A restaurant with a drive-through, but would be a deviation from the intended future mixed-use development pattern envisioned for the area.

3. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public.

There will be no reduction in property values if the applicant-initiated rezoning is approved. The safety, morals or general welfare of the public will not substantially be impacted. The development is proposing to construct the building closer to the street with pedestrian access from the sidewalk. The drive-through will be located behind the building with two brick paver crosswalks from the parking lot to either side of the building. The property owners of Chamblee Plaza, for which the site is essentially an outparcel of, will be installing the streetscape along Peachtree Blvd. The parking lot crosswalks and streetscape installation will provide a safer walking environment for pedestrians. However, the health of the general public could be negatively affected by the installation of the drive-through which will result in a 23% average daily trip increase of vehicle patrons.

4. The relative harm to the public as compared to the hardship imposed upon the individual property owner.

Rezoning the property from VC to CC would allow a drive-through at this location by right, however the location of the site along a storefront street restricts the drive-through facility. A drive-through facility could be considered more detrimental to the public's health compared to the hardship imposed upon the individual property owner. The drive-through facility would increase the daily average trip from 1,804 to 2,214, increasing vehicle emissions and thus air pollution as cars idle in the drive-through line.

5. The suitability of the subject property for the zoning proposed.

In the Comprehensive Plan, the CC zoning district is classified as an appropriate zoning district for the Central Gateway character area, which supports the suitability of rezoning from VC to VC. However, the rezoning request has been applied for concurrently with a variance request from the storefront street regulations to allow automotive-related uses in order for a new restaurant with drive-thru to replace the existing one. One of the main differences in the VC and CC zoning districts is that CC allows automotive-related uses. Given that Peachtree Blvd is a storefront street, and that the surrounding parcels are zoned VC and PUD, neither of which allow automotive-related uses, the property does not seem suitable for rezoning to CC.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

The property is not vacant. The property has been continually occupied by a Chick-fil-A restaurant with a drive-through since it was built in 1987.

7. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The adjacent and nearby properties were rezoned from CC to VC by the City in September 2016, prohibiting drive-through establishments. However, the properties are currently developed with automotive related uses and a suburban style shopping center. Existing restaurants with drive-throughs rezoned to VC are legal non-conforming uses. The proposed demolition and reconstruction of the Chick-fil-A exceeds the 70% redevelopment threshold, requiring the site to be in full compliance with the UDO. Thus, not permitting a restaurant with drive-through in the VC zoning district.

8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed zoning district of CC will not adversely affect the existing use or usability of adjacent or nearby properties. The Chick-fil-A drive-through restaurant is currently a legal nonconforming use since the property was rezoned to VC in 2016. The re-positioning of the drive-through and addition of a second drive-through lane could actually improve the usability of the Chamblee Plaza property by improving traffic flow on and around the site.

9. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property to be affected by the zoning proposal does have a reasonable economic use as currently zoned since the drive-through establishment is a legal nonconforming use, and can continue to operate as is. The existing building could also be replaced with a new building that does not have drive-through facilities. However, rezoning the property to CC would allow for the aging restaurant to be redesigned as a more pedestrian friendly establishment with a drive-through.

10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The zoning proposal could result in a use which will cause an excessive use of existing streets, transportation facilities, and utilities. A traffic study was not required for the project, but the applicant did submit a trip generation analysis for fast food restaurants. The City Engineer noted a projected 23% increase in gross trips during the weekday. An

estimated total trip increase from 1,804 to 2,214 due to the size of the proposed restaurant may impact the streets and transportation facilities. The increased trip generation may also result in higher vehicle emissions from those who use the drive-through. The restaurant will remain to the west of the only traffic signal for Chamblee Plaza on Peachtree Blvd. The entry point for the drive-through and parking lot will be moved farther from the intersection allowing for safer pedestrian access and less congestion at the intersection. Chamblee Plaza will be installing the streetscape along Peachtree Blvd in front of the site. The site is a commercial development and therefore would not impact the school system.

11. Whether the zoning proposal is in conformity with the policy and intent of the future development map.

The proposed zoning is in conformity with the policy and intent of the future development map. The rezoning request will not require an amendment to the Comprehensive Plan Character Areas Map. The character area states that, "As one of the city's primary gateways, it should have a welcoming and recognizable look and feel for residents, employees, and visitors." Without the rezoning to allow the Chick-fil-A restaurant, that has stood for over 30 years, the area would not be recognizable for residents, employees, and visitors to the area. At the same time, this character area recommends the redevelopment of Chamblee Plaza as a signature mixed-use development. Expanding and rebuilding the Chick-fil-A could prolong the redevelopment.

12. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

The property was rezoned from CC to VC through a City initiative in 2016 to disallow, in part, restaurants with drive-throughs. Rezoning the site back to CC would contradict the intent of the City initiated VC rezoning for mixed-use development and related uses at a higher density.

Applicant's Request:

The applicant requests two **VARIANCES** from the following regulations of the UDO, to demolish and reconstruct an existing Chick-fil-A restaurant with a drive-through:

1. Variance from Section 230-29(b)(4) to allow a drive-through restaurant on a storefront street;
2. Variance from Section 260-9(a)(3)(d) to allow more than two wall signs on a single-occupant building.

Staff Analysis:

The UDO in Section 280-32(a), provides the following factors for granting a variance from the contextual front yard setback requirements. The analysis of these factors is included below:

a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and

There are no extraordinary conditions pertaining to the property because of its size and topography. The site is an outparcel located just outside the right-of-way within the Chamblee Plaza shopping center parking lot, adjacent to the traffic light on Peachtree Blvd. The sight slopes down toward Peachtree Blvd and is surrounded by additional parking for Chamblee Plaza patrons.

b. The application of this UDO to the particular piece of property would create an unnecessary hardship; and

The application of the UDO to not permit drive-through restaurants on storefront streets would not create an unnecessary hardship. The restaurant and drive-through are currently legally non-conforming. Demolishing the building and rebuilding the restaurant with a drive-through exceeds the 60% redevelopment threshold that requires the site to comply with Section 230-29, storefront street regulations. The applicant could renovate the restaurant so that the redevelopment threshold is under 60% and therefore could remain with a drive-through.

c. Such conditions are peculiar to the particular piece of property involved; and

The storefront street requirement applies to the majority of the Peachtree Blvd Corridor and is not unique to the property. Additionally, there are numerous properties nearby that include legal nonconforming drive-throughs.

d. Such conditions are not the result of any actions of the property owner; or

Such conditions are not the result of the property owner. The Chick-fil-A was built in 1987, when a restaurant with drive-through was allowed by right under the zoning regulations in place at the time, and has remained on this site since then. The change in zoning from CC to VC was a City Council-initiated action that took place in 2016, and was not the action of the property owner.

e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Relief from the following zoning requirements would impair the intent of the UDO:

- Allowing a drive-through on a storefront street. Peachtree Blvd is designated a storefront street, which does not permit drive-through facilities. The Chick-fil-A is a legal non-conforming drive-through that if renovated to remain under the 60% redevelopment threshold would comply with the zoning ordinance.*
- Allowing three wall signs would impair the intent of the zoning ordinance that only allows two walls signs per single occupant building. The wall signs are proposed on*

the north, south, and west elevations. However, a monument sign is proposed near the front of the building and could eliminate the need for a third wall sign on the south elevation.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **DENIAL** of the rezoning and variance requests for PZ2019-581. Should the Mayor and Council approve the rezoning and variance requests, staff recommends the following condition of approval:

1. The development shall be constructed in substantial conformity with the Variance Application and plans received December 13, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.

Attachments:

- 1 – Site Plan, dated received December 13, 2019
- 2 – Application
- 3 – Maps

Existing Conditions





